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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SYDNEY BRADSHAW

vs.

PATRICIA L. SAUERS, M.D.
YORK COUNTY PRISON, and
EMA

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No. 1:CV-01-0755
Judge Caldwell

FILED
HARRISBURG PA
DEC 17 2001

MARY E. D'ANDREA, CLERK
Per [Signature]
Deputy Clerk

PRAECIPE TO SUBSTITUTE ORIGINAL AFFIDAVIT
FOR ATTACHMENT TO
MOTION OF DEFENDANTS PATRICIA L. SAUERS, M.D. AND EMSA
CORRECTIONAL CARE, INC. (incorrectly identified as "EMA") TO DISMISS
PLAINTIFF'S COMPLAINT PURSUANT TO F.R.C.P. 12(b)(6)
AND/OR SUMMARY JUDGMENT

TO THE CLERK OF COURT:

Kindly substitute attached original Affidavit of Patricia Sauers, M.D. as Exhibit "B" to Motion of Defendants Patricia L. Sauers, M.D. and EMSA Correctional Care, Inc. to Dismiss Plaintiff's Complaint Pursuant to F.R.C.P. 12(b)(6) and/or for Summary Judgment.

WHITE AND WILLIAMS LLP

By: A. Tracey Campbell
A. TRACEY CAMPBELL
Attorney I.D. No. 70534
1500 Lancaster Avenue
Paoli, PA 19301
Attorney for Defendants
Patricia Sauers, M.D. and EMSA
Correctional Care, Inc.

Dated: December 13, 2001

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SYDNEY BRADSHAW

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**PATRICIA L. SAUERS, M.D.
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of Praeceptum to Substitute Affidavit as Exhibit "B" to Motion of Defendants to Dismiss Plaintiff's Complaint Pursuant to F.R.C.P. 12(b)(6) and/or for Summary Judgment, was served by first class mail, postage paid to the following on December 13, 2001:

Sydney Bradshaw (#01-4133)
Montgomery County Correctional Facility
60 Eagleville Road
Norristown, PA 19403

WHITE AND WILLIAMS LLP

By:



A. Tracey Campbell, Esquire
Identification No. 70534
1500 Lancaster Avenue
Paoli, PA 19301-1500
(610) 251-0466
Counsel for Patricia Sauers, M.D.
and EMSA Correctional Care, Inc.

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(18)

IN THE UNITED STATES DISTRICT COURT
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SYDNEY BRADSHAW

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AFFIDAVIT

I, Patricia Sauers, M.D., am employed by EMSA Correctional Care, Inc. ("EMSA") and am currently the Medical Director at York County Prison and have held this position since November 1996. On January 26, 1999, I became an employee of Prison Health Services, Inc., when it purchased the contract to provide medical care from EMSA. I have reviewed and am familiar with the medical records pertaining to inmate, Sydney Bradshaw.

I do hereby swear and affirm that the statements made below are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa.C.S.A., § 4904, relating to unsworn falsification to authorities.

1. I do not believe that any conduct on my part ever violated Mr. Bradshaw's civil rights.

2. I have reviewed the medical records related to the treatment provided to Sydney Bradshaw between August 29, 2000 and June 19, 2001.

3. Mr. Bradshaw was transferred to Montgomery County Correctional Facility on June 27, 2001. Mr. Bradshaw is presently incarcerated at Montgomery County Correctional Facility.

4. Mr. Bradshaw is a 47 year old male INS detainee who was transferred to York County Prison on August 29, 2000.

5. Mr. Bradshaw's Complaint alleges that when he was transferred to York County Prison from Maine County Jail on August 29, 2000, Mr. Bradshaw was not given previously prescribed medications (Darvocet, Soma and Vicodin) for a "previously diagnosed back ailment." (See Complaint, Preliminary Statement and ¶ 6).

6. Mr. Bradshaw also alleges in his Complaint that he received substandard medical care because he is "an alien inmate."

7. On August 29, 2000, at Mr. Bradshaw's initial medical screening, Mr. Bradshaw gave a history of multiple psychiatric admissions in the 1980's with frequent suicide attempts involving an overdose, gunshot wound and "jumping."

8. Mr. Bradshaw stated he was on Tagamet, Prozac, Baclofen, Ambien and Naprosyn. Mr. Bradshaw gave a past history of substance abuse including cocaine, marijuana and alcohol (5 years prior to admission), with 17 rehab admissions and 20 detox admissions.

9. The medication records sent with Mr. Bradshaw's transfer sheet showed that Mr. Bradshaw had been on Darvocet, but that it had been discontinued about 2 weeks prior to Mr. Bradshaw's admission to York County Prison.

10. The medication record also indicated that per physician order, Mr. Bradshaw's medication had to be "crushed" (prior to ingestion as he was hoarding medications), and that Mr. Bradshaw had refused medications multiple times during the month of August.

11. While Mr. Bradshaw was incarcerated at York County Prison (approximately ten (10) months), he submitted at least 44 sick call slips asking for narcotics, muscle relaxants and Benzodiazepines.

12. Mr. Bradshaw was examined at sick call approximately 44 times for various complaints, including back pain, insomnia, complaints of carpal tunnel syndrome regarding his right hand, dental needs, a request for an inhaler, and Mr. Bradshaw had meetings with the mental health psychologist, Pat Gallagher, and the psychiatrist, Dr. Ahn. Treatment was given each time.

13. On August 30, 2000, Mr. Bradshaw was seen by the mental health psychologist, Pat Gallagher, and then Mr. Bradshaw was referred to the psychiatrist, Dr. Ahn.

14. On August 30, 2000, Mr. Bradshaw was seen by the nursing staff as Mr. Bradshaw requested an extra pillow and mattress and A&D ointment and a pumice stone, plus Ben-Gay ointment and was referred to Physicians' Assistant.

15. On August 30, 2000, Mr. Bradshaw was seen by Physician's Assistant, Kathy Exter, as Mr. Bradshaw complained of chronic back pain from a motor vehicle related injury that happened in 1982, and Mr. Bradshaw stated that he had gastroesophageal reflux and a history of Hepatitis C as well as alcoholic hepatitis and past IV drug use. PA Exter's examination revealed that Mr. Bradshaw's spine was nontender to palpation and he only

exhibited signs of back discomfort when he was discussing his back. Motrin, Tagamet, Klonopin, Prozac and Baclofen were ordered for 30 days.

16. On September 8, 2000, Mr. Bradshaw was seen by the psychiatrist, Dr. Ahn, and was diagnosed with "depressive disorder" and Doxepin at bedtime was added to his medications for 35 days.

17. On September 9, 2000, Mr. Bradshaw was caught hoarding his medications and an order was given to crush his medications prior to ingestion. Mr. Bradshaw admitted to hoarding his medications.

18. On September 13, 2000, Mr. Bradshaw complained of back pain and was examined by Dr. Nicholson and Naprosyn and Soma were ordered for 30 days.

19. On September 17, 2000, Mr. Bradshaw was again found to be hoarding medication.

20. On September 20, 2000, due to complaints of back pain, Mr. Bradshaw was seen by Dr. Nicholson, and Mr. Bradshaw stated that "he was feeling better."

21. Mr. Bradshaw submitted sick call slips on September 21, 23 and 25, 2000, requesting a heating pad, eyeglasses and complaining of insomnia. Mr. Bradshaw was currently taking Tagamet, Klonopin, Prozac, Baclofen, Doxepin, Naprosyn and Soma. Mr. Bradshaw was informed that his visual activity was normal for distance vision and INS does not provide reading glasses.

22. On September 28, 2000, Mr. Bradshaw was seen by a psychiatrist Dr. Ahn and his Doxepin dose was increased.

23. On October 3, 2000, Mr. Bradshaw complained of a sore tooth and was examined by the dental assistant and had his teeth cleaned.

24. On October 6, 2000, the medical staff was called to Mr. Bradshaw's bunk because he stated he slipped cleaning the shower floor. Mr. Bradshaw was found lying in his bunk, with some tenderness over his lower thoracic/upper lumbar area, with no other significant findings. It was noted that Mr. Bradshaw ambulated without difficulty and was ordered heat for his back.

25. On October 20, 2000, Mr. Bradshaw was examined by Physician's Assistant Exter as Mr. Bradshaw complained of lower back pain and requested a lower bunk. It was noted that Mr. Bradshaw ambulated well without any apparent limp or difficulty. Mr. Bradshaw was ordered a heating pad for three days and Naprosyn.

26. On October 22, 2000, Mr. Bradshaw complained of carpal tunnel problems and requested a "glove." He claimed that he had one in his INS property. There were no records that documented Mr. Bradshaw had used a glove for carpal tunnel in the past and the request was denied.

27. At that time, a note was made by the nurse that Mr. Bradshaw had been submitting two or more sick calls per day. As it was judged that Mr. Bradshaw was abusing sick call privileges, he was put on the schedule to be checked once weekly on sick call.

28. On October 27, 2000, Mr. Bradshaw was seen by the psychiatrist, Dr. Ahn, and Klonopin dosage was maintained.

29. On November 7, 2000, Mr. Bradshaw was seen at sick call due to complaints of carpal tunnel, sweating, dry mouth and shortness of breath with exercise. At this time Mr.

Bradshaw was still taking the following medications, Tagamet, Doxepin, Prozac, Naprosyn, Klonopin and Predforte.

30. On November 17, 2000, I examined Mr. Bradshaw. Mr. Bradshaw complained of chronic back pain and stated he had a history of carpal tunnel syndrome in his right hand. There were no physical findings that indicated Mr. Bradshaw had an acutely herniated disc. A ten (10) day course of prednisone was ordered as a stronger anti-inflammatory therapy.

31. On November 26, 2000, Mr. Bradshaw complained of back pain. It was noted that Mr. Bradshaw had minimal objective findings. Previous medications were continued.

32. On December 11, 2000, Mr. Bradshaw complained of carpal tunnel and requested stronger pain medication and his glove. Mr. Bradshaw's medications, Tagamet, Prozac, Doxepin, Naprosyn, Klonopin and Predforte were all continued.

33. On December 12, 2000, Mr. Bradshaw was seen by the psychiatrist, Dr. Ahn, and his aforementioned medication orders remained the same.

34. On December 13, 2000, Mr. Bradshaw spoke with Health Services Administrator, Jyl Hummel, and stated that he was on Darvocet and had been "suffering greatly" and he needed Ms. Hummel's intervention or that he would file a "tort."

35. On December 14, 2000, Mr. Bradshaw was examined by Physician's Assistant, Exter, as Mr. Bradshaw requested Darvocet, Soma and Ambien. Mr. Bradshaw did not demonstrate any objective findings of herniated disc and was prescribed Naprosyn.

36. On January 2, 2001, Mr. Bradshaw complained of his nerves being "shot" and was seen at sick call wherein Mr. Bradshaw's psychiatric medications were already renewed and continued and Mr. Bradshaw stated that he had no problems at this time.

37. On January 3, 2001, Mr. Bradshaw was seen at sick call and stated he had fallen in the shower on January 2, 2001, and complained of lower back pain and was seen at sick call wherein no obvious injuries were noted and Mr. Bradshaw stated "I know there is nothing more you can do, so this is just for the record."

38. On January 22, 2001, Mr. Bradshaw was seen for psychiatric recheck and all of his medications were renewed, which included Prozac (60 days), Doxepin (35 days), Klonopin (60 days) and Thorazine (35 days).

39. On January 23, 2001, Mr. Bradshaw was seen by an orthopedist for complaints of lower back pain and no changes were made to his therapy.

40. On January 30, 2001, I saw Mr. Bradshaw as he continued to complain of lower back pain. Upon examination there was minimum tenderness over the mid to lower lumbar spine. Degenerative joint disease was suspected rather than sciatic neuritis or herniated disc disease. Mr. Bradshaw had x-rays taken and no significant abnormalities were seen and there was no narrowing of the disc spaces, and Naprosyn was continued.

41. On February 9, 2001, Mr. Bradshaw complained about receiving crushed medications and at sick call threatened to "sue your Dep."

42. On February 9, 2001, Mr. Bradshaw saw the mental health psychologist, Pat Gallagher, and it was noted that Mr. Bradshaw had been non-compliant and was hoarding Klonopin and giving his medication to other inmates.

43. On February 9, 2001, Mr. Bradshaw saw the psychiatrist, Dr. Ahn, and Mr. Bradshaw was being weaned off Klonopin and Thorazine was ordered in its place.

44. On February 21, 2001, Mr. Bradshaw was seen at sick call as he complained that crushed Thorazine was burning his throat. Mr. Bradshaw was seen by mental health personnel but refused the liquid form of Thorazine.

45. From February 9, 2001 through June 19, 2001, Plaintiff had complaints of lower back pain and was continued with Naprosyn.

46. On April 3, 2001, April 29, 2001, and May 29, 2001, Mr. Bradshaw had follow-up visits with the psychiatrist, Dr. Ahn and it was noted there were no changes in diagnosis or therapy.

47. In summary, Mr. Bradshaw is an inmate who has had a several year history of psychiatric problems and chronic back pain and who has been non-compliant with his prescribed medications both at York County Prison and at least one other facility. Mr. Bradshaw has also hoarded medication and given it to other inmates.

48. Mr. Bradshaw has been seen by multiple physicians and healthcare providers who never noted even the appearance of severe distress secondary to back pain and who consistently noted the absence of signs of significant musculoskeletal disease.

49. Mr. Bradshaw was prescribed medication appropriate to his level of pain.

50. Narcotic therapy is reserved for inmates with pain due to terminal illness postoperatively or for acute severe injuries (such as fractures); it would have been inappropriate to prescribe narcotics for an inmate with no significant physical findings.

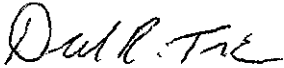
51. In sum, Mr. Bradshaw received appropriate and adequate medical care at York County Prison and that care was consistent with that given to other inmates, both U.S. citizens and INS detainees.



Patricia L. Sauers, M.D.
Medical Director, York County Prison

Sworn to and subscribed before me this

20th day of November, 2001.



Notary Public

My Commission Expires: Jan. 12, 2004

